

PROPOSED SENTENCING OPTIONS AND SUPERVISION CONDITIONS

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE
UNITED STATES V. DAVID WEEKLY, DKT. 0102 1:19CR00044-001-JL**

TOTAL OFFENSE LEVEL	21		
CRIMINAL HISTORY CATEGORY	III		
	<u>Statutory Provisions</u>	<u>Guideline Provisions</u>	<u>Plea Agreement Provisions</u>
CUSTODY:	Ct. 1: 0 years-10 years	46 months-57 months	46 months
SUPERVISED RELEASE:	Ct. 1: 0 years-3 years	Ct. 1: 1 year-3 years	Not addressed
PROBATION:	1 year-5 years	Ineligible	Ineligible
FINE:	Ct. 1: \$0- \$250,000	\$15,000-\$150,000	Not addressed
RESTITUTION:	Not applicable	Not applicable	Not applicable
SPECIAL ASSESSMENT:	Ct. 1: \$100	Ct. 1: \$100	Ct. 1: \$100

SUPERVISION:

While on supervision, you must comply with the following mandatory conditions:

You must not commit another federal, state, or local crime.

You must not unlawfully possess a controlled substance.

You must refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on supervision and at least two periodic drug tests thereafter, as determined by the Court.

You must cooperate in the collection of DNA as directed by the probation officer.

In addition, you must comply with the standard conditions that have been adopted by this Court as well as the following special conditions:

Substance Abuse Treatment, Testing, Abstinence

1. You must participate in a substance use treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You must pay for the cost of treatment to the extent you are able, as determined by the probation officer.

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2. You must not use or possess any controlled substances without a valid prescription. If you do have a valid prescription, you must disclose the prescription information to the probation officer and follow the instructions on the prescription.
3. You must submit to substance abuse testing to determine if you have used a prohibited substance. You shall pay for the cost of testing to the extent you are able, as determined by the probation officer. You must not attempt to obstruct or tamper with the testing methods.
4. You must not use or possess alcohol.
5. You must not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair a person's physical or mental functioning, whether or not intended for human consumption, except with the prior approval of the probation officer.

Place Restrictions

6. You must not go to, or remain at, any place where you know controlled substances are illegally sold, used, distributed, or administered without first obtaining the permission of the probation officer.

Cognitive Behavioral Treatment

7. You must participate in a cognitive-behavioral treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). Such programs may include group sessions led by a counselor or participation in a program administered by the probation office. You must pay for the cost of treatment to the extent you are able, as determined by the probation officer.

Search and Seizure

8. You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition. The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

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Respectfully submitted,

Jonathan E. Hurtig
Chief U.S. Probation Officer

By: *s/ Theresa M. Duncan*
Theresa M. Duncan
U.S. Probation Officer

Approved:

/s/ Kevin L. Lavigne *03/10/2020*
Kevin L. Lavigne Date
Deputy Chief U.S. Probation Officer

Acknowledgment – Sentencing Options and Supervision Conditions

UNITED STATES DISTRICT COURT
District of New Hampshire

UNITED STATES OF AMERICA

v.

ACKNOWLEDGMENT

David Weekly
Defendant

Case Number: 19-CR-44-01-JL

I, David Weekly, acknowledge that I have received, reviewed and understand the proposed Sentencing Options and Supervision Conditions filed by the U.S. Probation Office in this case.

Date: 3/26/2020

David Weekly
Defendant

Theodore Lathaler

Defense Counsel

cc: Defendant
U.S. Attorney
U.S. Marshal
U.S. Probation
Defense Counsel